

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>REGGIE DEWAYNE SMITH,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-17-1366-R</b>
	)	
<b>JOAN L. LOPEZ and CHERYL SMITH,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

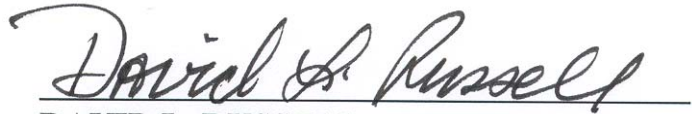
Plaintiff filed this action pursuant to 42 U.S.C. § 1983, alleging violation of his civil rights.<sup>1</sup> Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to United States Magistrate Judge Suzanne Mitchell for preliminary review. On May 1, 2018, Judge Mitchell issued a Report and Recommendation wherein she recommended dismissal of the action without prejudice in light of Plaintiff's failure to pay the partial filing fee of \$105.33, in accordance with her Order dated Dec 27, 2017. Judge Mitchell granted Plaintiff three extensions in response to letters to the Court indicating that he had the requisite funds in his account but that the Court had not taken the money. Plaintiff did not indicate whether there was a procedure whereby he was to request that Logan County officials send the funds, or that he had complied with any such procedure, apparently under the mistaken belief that this Court would retrieve the funds. When the final extension expired without payment by Plaintiff, Judge Mitchell recommended dismissal without prejudice.

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<sup>1</sup> Plaintiff is a pretrial detainee and the Defendants are his court-appointed attorney and the Clerk of Court for the Logan County District Court.

Plaintiff has neither objected to the Report and Recommendation nor sought an extension of time in which to file an objection. Accordingly, the Report and Recommendation is ADOPTED IN ITS ENTIRETY and this action is DISMISSED WITHOUT PREJUDICE.

**IT IS SO ORDERED** this 1<sup>st</sup> day of June 2018.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE